

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>JUL 14 2008</u>

UNITED STATES OF AMERICA

INDICTMENT

RICHARD MORALES-PADILLA,

: 08 Cr.

Defendant.

08 CRIM 639

COUNT ONE

The Grand Jury charges:

1. From in or about March 2008 through in or about April 2008, in the Southern District of New York and elsewhere, RICHARD MORALES-PADILLA, the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and object of the conspiracy that RICHARD MORALES-PADILLA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

JUDGE JOHN

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, RICHARD MORALES-PADILLA, the defendant, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about April 7, 2008, RICHARD MORALES-PADILLA, the defendant, possessed a quantity of cocaine in Fort Lee, New Jersey.

b. On or about April 7, 2008, RICHARD MORALES-PADILLA made a phone call from the Southern District of New York to an undercover law enforcement officer.

(Title 21, United States Code, Section 846)

Forfeiture Allegation

4. As a result of committing the controlled substances offense alleged in Count One of this Indictment, RICHARD MORALES-PADILLA, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. Section 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said controlled substances violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the controlled substances violation alleged in Count One of this Indictment.

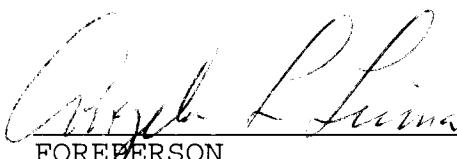
Substitute Asset Provision

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)



MICHAEL J. GARCIA
United States Attorney



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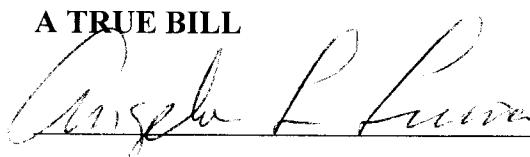
INDICTMENT

08 Cr.

(21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A), and 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Michael J. Garcia

Foreperson.

7/14/08 Can Assign to J. Jones
SD Governer